UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P O Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,060	08/20/2003	Brad W. Blumberg	SMTR-002/01US 195688-2005	4358

22903   7590   06/05/2008
COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

EXAMINER
FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2008</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11,19-22 and 27-50</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11,19-22 and 27-50</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-11, 19-22, 27-50 have been

considered but are moot in view of the new ground(s) of rejection.

In addition the Applicant argues:

"The Examiner asserts in the Advisory Action that Wharton includes aspects "aimed to reducing database browsing, comparison of multiple selection criteria, reducing human interaction, etc., and therefore does not limit the invention to only being used without being present at the geographic location." The Applicants strongly disagree with this assertion. Wharton does not disclose or suggest in any way that the terminal device can be used at the geographic location at issue. In fact, as stated in the February '07 Response, the mobile interface device 12 of Wharton is configured to be used prior to traveling to the geographic location. In addition, the mobile interface device 12 of Wharton must be in close proximity to the transceiver device 16 to function. Wharton does not disclose or suggest having the transceiver device 16 positioned at the geographic location and then using the mobile interface device 12 at that geographic location. Rather, Wharton teaches using the device at, for example, a user's home, where the transceiver device 16 is located, to locate a prospective geographic location that the user may wish to visit. Thus, to modify Wharton with the teachings of Kimoto would detract from the very purpose and function of the Wharton device, i.e., a device that can be used at a user's home prior to setting out to view a property.
       The Examiner also asserts in the Advisory Action that Wharton suggests the wireless communication device "may support a transportation application like global positioning data to obtain instructions for how to get to an address from a current location and does not discourage using the location of the mobile terminal to tailor the search for real estate properties." The Applicants respectfully disagree. There is no suggestion whatsoever that the Wharton device would support receipt of global positioning data to obtain address information. When the terminal is at a fixed location (i.e., the user's home) GPS data is relatively useless. Even if one assumes that Wharton does suggest what the Examiner asserts, this still does not suggest that the mobile interface device 12 is ever located at the geographic location that is the subject of the search. The Examiner's assertion merely says that the mobile interface device 12 of Wharton can be used to search for and provide directions to a geographic location. The Examiner's assertion that Wharton does not discourage using the location of the mobile terminal to tailor the search for real estate properties is of absolutely no consequence. **The test is not whether a reference discourages the use of the device in some manner, but rather the test is whether there is a suggestion or motivation to combine the cited references.**"

However, the examiner respectfully disagrees. One of ordinary skill in the art would have been motivated to modify Wharton to use the mobile interface device 12 (i.e., PDA) outside a user's home since making applications mobile is highly appealing to users, Although Wharton uses a short range wireless connection with the server, one of ordinary skill in the art would be motivated to use a long range connection with the server such as cellular, satellite, etc. that would support mobility and would perform equally well with a short range wireless connection.

Furthermore, KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex parte Smith,* --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing   *KSR,*   82   USPQ2d   at   1396)   (available   at http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf).

Continuation Data

2.   The present application is a continuation-in-part of application no. 09/774, 119 which is a continuation-in-part of application no. 09/639, 265 filed on August 15, 2000. However, some claimed new matter presented in the present application is not supported by application no. 09/639, 265, therefore the priority date considered is from the prior application 09/774, 119 filed on January 1, 2001.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or

would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1-11, 19-22, 27-31, and 33-50 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,385,541. Although the conflicting claims are not identical, they are not patentably distinct from each other because Claims 2-4 of U.S. Patent No. 6,385,541 are a broader form of Claims 1, 7, 29, 31, 34 and 43 of the instant application and therefore the differences between the claims would be an obvious variation of Claims 2-4 seen in U.S. Patent No. 6,385,541.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-3, 7, 8, 19-22, 27 and 28** are rejected under 35 U.S.C. 103(a) as being

unpatentable over WHARTON et al. (US 5,831,664) in views of KIMOTO et al. (US

6,115,611) and WOODARD et al. (US 6,973,432).

Regarding claim 1, Wharton discloses a method of retrieving location-centric

information, comprising:

identifying a geographic location from a plurality of geographic locations within a

base grid using an electronic device, the base grid defined by a plurality of volumes, the

volumes defining the plurality of geographic locations within the base grid; identifying a

property associated with the geographic location (col. 4, lines 47-61; as shown in figure

3, the user is presented with a map (i.e., base grid) on the PDA that displays candidates

homes and the location of these homes and when the user whishes to see details about a

home, he or she taps on the appropriate number on the map of the PDA, note that by the

user tapping on a home, the user identifies a property and a location which are both

associated to each other since the map presents candidate home with their respective

locations);

querying a database (Fig. 1; server 18) based on data associated with the property,

receiving directly from the database a data set associated with the identified property;

querying the database based on the first information data set; the data set including a

selectable icon (col. 4, line 46-col. 5; when the user wishes to see details about a home,

he or she taps on the appropriate home number (i.e., database query) on the map shown in

figure 3a, then a House Information Screen is displayed, shown in figure 3b, containing

home information buttons (i.e., selectable icons) such as Realtor, Description, etc.));

the database including information associated with at least some of the plurality of the geographic locations within the base grid (Fig. 3A; the system provides information for the houses shown in the map).

But, Wharton does not expressly disclose that the geographic location is associated with a location of the electronic device. However, Kimoto teaches a mobile communication system which displays a map to a mobile terminal according to its present position with information of facilities or services related to the position of the mobile terminal (Abstract; col. 17, line 65 – col. 18, lines 1-17; col. 34, line 45-col. 35, lines 1-42). Therefore, it would have been obvious to a person having ordinary skill in the art, to modify Wharton to include the features of associating the identified geographic location (e.g. point on map) with the location of the electronic device, as suggested by Kimoto, since such a modification would provide the advantage of tailoring the search of available homes according to the current location of the user and provide directions to the houses from the present location of the user (i.e., portable device).

But, the combination of Wharton and Kimoto does not expressly disclose wherein the selectable icon is associated with at least one of scheduling an appointment, calling an agent, or making a bid; and transmitting data associated with a selection of the icon associated with the at least one of scheduling an appointment or making a bid.

However, in a similar field on invention, Woodard teaches a real estate system that presents the user the option of scheduling a showing (i.e., appointment) for viewing a real estate property (Fig. 3; Abstract; col. 7, line 30-col. 8, lines 1-44). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include a selectable icon associated with

scheduling an appointment, as suggested by Woodward, to facilitate the coordination of real estate showings.

     Regarding claim 2, the combination of Wharton, Kimoto, and Woodward disclose the method of claim 1, in addition Wharton discloses wherein identifying the geographic location includes the identifying the geographic location seamlessly (col. 4, lines 37-62; the user taps on the map to identify a location and its associated house).

     Regarding claim 3, the combination of Wharton, Kimoto, and Woodward disclose the method of claim 1, in addition Wharton discloses wherein querying a database based on data associated with the property geographic location includes querying a database based on a geocode associated with the geographic location (col. 4, lines 47- 62; col. 6, lines 19-28; the user taps on the appropriate number on the map (i.e., geocode) which identifies a particular property and associated location that the user wishes to obtain information).

     Regarding claim 7, Wharton discloses a processor-readable medium storing code representing instructions to cause a processor to perform a process, the code comprising code to:

     provide information related to a geographic location to an information system, the geographic location being located within a base grid (col. 4, lines 47-61; as shown in figure 3, the user is presented with a map i.e., base grid, on the PDA that displays candidates homes and the location of these homes, and when the user whishes to see details about a home, he or she taps on the appropriate number on the map of the PDA, note that by the user tapping on a home, the user identifies a location in which the property is located),

receive a location identifier associated with a property at a geographic location

from the information system (col. 4, lines 47-62; the PDA displays the results of an initial

search of candidates homes within a map (Fig. 3a) indicating the location of the houses

(i.e., properties) and an appropriate house number (i.e., identifier); note that the

information is returned by the server 18 (i.e., information system));

receive a first menu of location-centric information associated with the property

directly from the information system, the first menu having a plurality of selectable icons

(col. 4, line 47 – col. 5, lines 1-13; upon the user tapping on a appropriate house number

on the map, shown in figure 3a, the PDA displays a house information screen containing

six house information buttons (i.e., first menu with selectable icons) at the top, shown in

figures 3b-3c, that provide access to various categories of information about the selected

home, e.g., Realtor, Description, etc.); and

transmit data associated with a selection of an icon from the plurality of icons to

the information system (col. 3, line 48-col. 4, lines 1-5; col. 5, lines 15-end).

But, Wharton does not expressly disclose providing information related to a

geographic location associated with a position of an electronic device to an information

system, the geographic location being located within a base grid.

However, Kimoto teaches a mobile communication system which displays a map

to a mobile terminal according to its present position with information of facilities or

services related to the position of the mobile terminal (col. 17, lines 1-17; col. 34, line 45-

col. 35, lines 1-42). Therefore, it would have been obvious to a person having ordinary

skill in the art, to modify Wharton, to include the step of providing information related to

a geographic location associated with a position of an electronic device to an information

system within a base grid, as suggested by Kimoto, since such a modification would provide the advantage of tailoring the search of available homes according to the current location of the user and provide directions to the houses from the present location of the user (i.e., portable device).

But, the combination of Wharton and Kimoto does not particularly disclose wherein the plurality of selectable icons includes an icon associated with at least one of scheduling an appointment, calling an agent or making a bid.

But, the combination of Wharton and Kimoto does not expressly disclose wherein the selectable icon is associated with at least one of scheduling an appointment, calling an agent, or making a bid; and transmitting data associated with a selection of the icon associated with the at least one of scheduling an appointment or making a bid.

However, in a similar field on invention, Woodard teaches a real estate system that presents the user the option of scheduling a showing (i.e., appointment) for viewing a real estate property (Fig. 3; Abstract; col. 7, line 30-col. 8, lines 1-44). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include a selectable icon associated with scheduling an appointment, as suggested by Woodward, to facilitate the coordination of real estate showings.

Regarding claim 8, the combination of Wharton, Kimoto, and Woodward disclose the processor-readable medium of claim 7, in addition Wharton discloses wherein the code is configured to associate geocode based on the location-centric information (col. 4, lines 47- 62; col. 6, lines 19-28; the user taps on the appropriate

number on the map (i.e., geocode) which identifies a particular property and associated location that the user wishes to obtain information).

  Regarding claim 19, the combination of Wharton, Kimoto, and Woodward disclose the method of claim 1, in addition Wharton disclose wherein the database is located at a geographic position different from the geographic position of the electronic device (Fig. 1; the server (i.e., database) is at a different location from the PDA's location).

  Regarding claim 20, the combination of Wharton, Kimoto, and Woodward disclose the method of claim 1, in addition Wharton discloses wherein the database is located at a geographic position different from the geographic position of the identified property (Fig. 1; the server 18 (i.e., database) is at a different location from the location of the houses).

  Regarding claim 21, the combination of Wharton, Kimoto, and Woodward disclose the processor-readable medium of claim 7, in addition Wharton discloses wherein the information system is located at a geographic position different from the geographic position of the electronic device (Fig. 1; the server (i.e., information system) is at a different location from the PDA's location).

  Regarding claim 22, the combination of Wharton, Kimoto, and Woodward disclose the processor-readable medium of claim 7, in addition Wharton wherein the information system is located at a geographic position different from the geographic position of the property (Fig. 1; the server 18 (i.e., information system) is at a different location from the location of the houses).

Regarding claim 27, the combination of Wharton, Kimoto, and Woodward disclose the method of claim 1, in addition Wharton discloses receiving from the database an audio response (col. 5, lines 33-40).

Regarding claim 28, the combination of Wharton, Kimoto, and Woodward disclose the processor-readable medium of claim 7, in addition Wharton discloses receiving from the database an audio response (col. 5, lines 33-40).

7.   **Claims 4, 5, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over WHARTON et al. in views of KIMOTO et al., WOODWARD et al., and WEBBER et al. (US 6,009,413).

Regarding claims 4 and 5, the combination of Wharton, Kimoto, and Woodward disclose the method of claim 1, but the combination does not particularly disclose wherein receiving the data set associated with the identified property includes receiving the data set in real-time, and

wherein receiving the data set associated with the identified property includes receiving information that has been dynamically updated via a network, the dynamically updated information being associated with the identified geographic location.

However, receiving information from a database in real-time and which has been dynamically updated is well known in the art and Webber is evidence of the fact. Webber teaches a system in where a user can access a variety of information regarding products and services from the user's computer through a computer network in real-time. Each of the merchant's downloads to the computer network or regional host at least one each business day, detailed, and current information regarding products and/or services offered by the merchant. Then, when a user wants to get information about a product or a service,

the user makes a request for product/service information currently residing at the network database and receives updated (i.e., real-time) information associated with the product/service from the database since the merchants downloads the information to the network database regularly (abstract; col. 3, lines 10-23; col. 4, lines 1-18; col. 5, lines 18-56). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination of Wharton, Kimoto, and Rondeau to include the features of receiving information from the database in real-time and information which has been dynamically updated, as suggested by Webber, in order for the user to react in "real time" to the information that acquires from the database (col. 2, lines 51-60).

Regarding claims 9 and 10, the combination of Wharton, Kimoto, and Woodward disclose the computer-executable software code of claim 7, but the combination does not particularly disclose wherein the code for receiving the first menu of location-centric information includes code for receiving the first menu of location-centric information in real time, and

wherein the code for receiving the first menu of location-centric information includes code for receiving the first menu of location-centric information that has been dynamically updated via a network.

However, receiving information from a database in real-time and which has been dynamically updated is well known in the art and Webber is evidence of the fact. Webber teaches a system in where a user can access a variety of information regarding products and services from the user's computer through a computer network in real-time. Each of the merchant's downloads to the computer network or regional host at least one each

business day, detailed, and current information regarding products and/or services offered

by the merchant. Then, when a user wants to get information about a product or a service,

the user makes a request for product/service information currently residing at the network

database and receives updated (i.e., real-time) information associated with the

product/service from the database since the merchants downloads the information to the

network database regularly (abstract; col. 3, lines 10-23; col. 4, lines 1-18; col. 5, lines

18-56). Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention, to modify the combination of Wharton, Kimoto, and

Rondeau to include the features of receiving information in real-time and information

which has been dynamically updated, as suggested by Webber, in order for the user to

react in "real time" to the information that acquires from the database (col. 2, lines 51-

60).

8.   **Claims 6 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over

WHARTON et al. in views of KIMOTO et al., WOODWARD et al., and JUPPI et al.

(US 2003/0092450 A1).

        Regarding claim 6, the combination of Wharton, Kimoto, and Woodward

disclose the method of claim 1, but the combination does not particularly disclose

wherein receiving the data set associated with the identified property geographic location

includes: receiving information based on sensor data that has been dynamically

updated via a network, the dynamically updated information being associated with

the identified geographic location.

        However, Juppi teaches updating a database with sensor data (p.0033; p.0036-

0038; Juppi teaches a database compiled from information measured by a local

transmitter such as a weather probe or sensor that can be updated over time, and the information measured is transmitted to a mobile station). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the features of providing in the database sensor data that is dynamically updated, as suggested by Juppi, in order for a user to obtain the most recent information collected by a sensor, e.g., the weather conditions in his/her present location.

Regarding claim 11, the combination of Wharton, Kimoto, and Woodward disclose the processor-readable medium of claim 7, but the combination does not particularly disclose wherein the code for receiving the first menu of location-centric information includes code for receiving a first menu of location-centric sensor information, the sensor information being dynamically updated via a network.

However, Juppi teaches receiving updated sensor data (p.0033; p.0036-0038; Juppi teaches a database compiled from information measured by a local transmitter such as a weather probe or sensor that can be updated over time, and the information measured is transmitted to a mobile station). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to receive sensor data that has been dynamically updated, as suggested by Juppi, in order for a user to obtain the most recent information collected by a sensor, e.g., the weather conditions in his/her present location.

9.   **Claims 29, 30, 34-36, 40-44, and 48-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over WHARTON et al. in view of KIMOTO et al.

Regarding claim 29, Wharton discloses a processor-readable medium storing code representing instructions to cause a processor to perform a process, the code comprising code to:

provide information related to a geographic location to an information system, the geographic location being located within a base grid (col. 4, lines 47-61; as shown in figure 3, the user is presented with a map i.e., base grid, on the PDA that displays candidates homes and the location of these homes, and when the user whishes to see details about a home, he or she taps on the appropriate number on the map of the PDA, note that by the user tapping on a home, the user identifies a location in which the property is located),

receive a location identifier associated with a property at a geographic location from the information system (col. 4, lines 47-62; the PDA displays the results of an initial search of candidates homes within a map (Fig. 3a) indicating the location of the houses (i.e., properties) and an appropriate house number (i.e., identifier); note that the information is returned by the server 18 (i.e., information system));

receive a first menu of location-centric information associated with the property directly from the information system, the first menu having a plurality of selectable icons (col. 4, line 47 – col. 5, lines 1-13; upon the user tapping on a appropriate house number on the map, shown in figure 3a, the PDA displays a house information screen containing six house information buttons (i.e., first menu with selectable icons) at the top, shown in figures 3b-3c, that provide access to various categories of information about the selected home, e.g., Realtor, Description, etc.); and

transmit data associated with a selection of an icon from the plurality of icons to the information system (col. 3, line 48-col. 4, lines 1-5; col. 5, lines 15-end);

and receive an audio response directly from the database based on the selection (col. 5, lines 33-40; in response to a play button (i.e., selection) in the realtor menu, the PDA displays a video of the realtor describing himself/herself and the home, note that it would be inherent to recognize that the description is audible).

But, Wharton does not expressly disclose providing information related to a geographic location associated with a position of an electronic device to an information system, the geographic location being located within a base grid.

However, Kimoto teaches a mobile communication system which displays a map to a mobile terminal according to its present position with information of facilities or services related to the position of the mobile terminal (col. 17, lines 1-17; col. 34, line 45-col. 35, lines 1-42). Therefore, it would have been obvious to a person having ordinary skill in the art, to modify Wharton, to include the step of providing information related to a geographic location associated with a position of an electronic device to an information system within a base grid, as suggested by Kimoto, since such a modification would provide the advantage of tailoring the search of available homes according to the current location of the user and to, for example, provide directions to the houses from the present location of the user (i.e., portable device) to facilitate the real estate process.

Regarding claim 30, the combination of Wharton and Kimoto disclose the processor-readable medium of claim 29, in addition Wharton discloses wherein the audio response includes a description of the property (col. 5, lines 33-40; in response to a play button (i.e., selection) in the realtor menu, the PDA displays a video of the realtor

describing himself/herself and the home, note that it would be inherent to recognize that

the description is audible).

     Regarding claim 34, Wharton discloses a method of retrieving location-centric

information, comprising:

     identifying a geographic location from a plurality of geographic locations within a

base grid using an electronic device, the base grid being defined by a plurality of

volumes, the volumes defining the plurality of geographic locations within the base grid;

identifying a property associated with the geographic location (col. 4, lines 47-61; as

shown in figure 3, the user is presented with a map i.e., base grid, on the PDA that

displays candidates homes and the location of these homes and when the user whishes to

see details about a home, he or she taps on the appropriate number on the map of the

PDA, note that by the user tapping on a home, the user identifies a property and a

location which are both associated to each other since the map presents candidate home

with their respective locations);

     querying a database (Fig. 1; server 18) based on data associated with the

identified property, the database including information associated with at least some of

the plurality of geographic locations within the base grid; receiving directly from the

database a first information data set associated with the identified property; querying the

database based on the first information data set; and after the querying the database based

on the first information set, receiving from the database a second information data set

associated with the identified property (col. 5, lines 8-47; the house information screen

that appears on the PDA contains six information buttons (e.g., "FLOOR PLANS AND

VIDEOS", etc.), when the users selects the "FLOOR PLANS AND VIDEOS" button a

floor plan of the currently selected home appears in the information window (i.e., first information data set) and when a room is selected, information about the room (e.g., square footage, flooring type, etc.) appears in a text window on the PDA (i.e., second information data set)).

But, Wharton does not expressly disclose that the geographic location is associated with a location of the electronic device. However, Kimoto teaches a mobile communication system which displays a map to a mobile terminal according to its present position with information of facilities or services related to the position of the mobile terminal (col. 17, lines 1-17; col. 34, line 45-col. 35, lines 1-42). Therefore, it would have been obvious to a person having ordinary skill in the art, to modify Wharton, to associate the identified geographic location (e.g. point on map) with the location of the electronic device, as suggested by Kimoto, in order to modify the search of available homes according to the current location of the user to provide directions to the houses from the location of the user (i.e., portable device).

Regarding claim 35, the combination of Wharton and Kimoto disclose the method of claim 34, Wharton discloses wherein identifying the geographic location includes the identifying the geographic location seamlessly (col. 4, lines 37-62; the user taps on the map to identify a location and its associated house).

Regarding claim 36, the combination of Wharton and Kimoto disclose the method of claim 34, Wharton discloses wherein querying a database based on data associated with the property geographic location includes querying a database based on a geocode associated with the geographic location (col. 4, lines 47- 62; col. 6, lines 19-28;

the user taps on the appropriate number on the map (i.e., geocode) which identifies a particular property and associated location that the user wishes to obtain information).

Regarding claim 40, the combination of Wharton and Kimoto disclose the method of claim 34, Wharton disclose wherein the first information data set includes information associated with a potential real estate transaction at the identified property (col. 5, lines 8-47; the house information screen that appears on the PDA contains six information buttons (e.g., "FLOOR PLANS AND VIDEOS", etc.), when the users selects the "FLOOR PLANS AND VIDEOS" button a floor plan of the currently selected home appears in the information window (i.e., first information data set) which corresponds to information obtained in a potential real estate transaction).

Regarding claim 41, the combination of Wharton and Kimoto disclose the method of claim 34, Wharton disclose wherein the database is located at a geographic position different from the geographic position of the electronic device (Fig. 1; the server (i.e., database) is at a different location from the PDA's location).

Regarding claim 42, the combination of Wharton and Kimoto disclose the method of claim 34, Wharton discloses wherein the database is located at a geographic position different from the geographic position of the identified property (Fig. 1; the server 18 (i.e., database) is at a different location from the location of the houses).

Regarding claim 43, Wharton discloses a processor-readable medium storing code representing instructions to perform a process, the code comprising code to:

Provide to an information system information related to a geographic location, the geographic location being located within a base grid (col. 4, lines 47-61; as shown in figure 3, the user is presented with a map i.e., base grid, on the PDA that displays

candidates homes and the location of these homes, and when the user whishes to see

details about a home, he or she taps on the appropriate number on the map of the PDA,

note that by the user tapping on a home, the user identifies a location in which the

property is located),

receive a location identifier associated with a property at a geographic location

from the information system (col. 4, lines 47-62; the PDA displays the results of an initial

search of candidates homes within a map (Fig. 3a) indicating the location of the houses,

i.e., properties, and an appropriate house number, i.e., identifier; note that the information

is returned by the server 18, i.e., information system);

receive a first menu of location-centric information associated with the property

directly from the information system, the first menu having a plurality of selectable icons

(col. 4, line 47 – col. 5, lines 1-13; upon the user tapping on a appropriate house number

on the map, shown in figure 3a, the PDA displays a house information screen containing

six house information buttons (i.e., first menu with icons) at the top, shown in figures 3b-

3c, that provide access to various categories of information about the selected home);

transmit data associated with a selection of an icon from the plurality of icons to

the information system; and receive a second menu of location-centric information based

on the selection, the second menu of having a plurality of selectable icons (col. 5, lines

42-47; upon selection of the "FLOORS PLANS AND VIDEOS" button (i.e., icon) from

the house information screen, a floor plan (i.e., second menu) for the selected home

appears in the information window, as shown in figure 3d, and icons for the floor plan are

displayed (e.g., LR, G, K, front, back) that the user can select to know information about

the room (e.g., square footage, flooring type, etc.)).

But, Wharton does not expressly disclose providing information related to a geographic location associated with a position of an electronic device to an information system, the geographic location being located within a base grid.

However, Kimoto teaches a mobile communication system which displays a map to a mobile terminal according to its present position with information of facilities or services related to the position of the mobile terminal (col. 17, lines 1-17; col. 34, line 45- col. 35, lines 1-42). Therefore, it would have been obvious to a person having ordinary skill in the art, to modify Wharton, to include the step of providing information related to a geographic location associated with a position of an electronic device to an information system within a base grid, as suggested by Kimoto, in order to modify the search of available homes according to the current location of the user to provide directions to the houses from the location of the user (i.e., portable device).

Regarding claim 44, the combination of Wharton and Kimoto disclose the processor-readable medium of claim 43, Wharton discloses wherein the code is configured to associate geocode based on the location-centric information (col. 4, lines 47- 62; col. 6, lines 19-28; the user taps on the appropriate number on the map (i.e., geocode) which identifies a particular property and associated location that the user wishes to obtain information).

Regarding claim 48, the combination of Wharton and Kimoto disclose the processor-readable medium of claim 43, Wharton discloses wherein the information system is located at a geographic position different from the geographic position of the electronic device (Fig. 1; the server (i.e., information system) is at a different location from the PDA's location).

Regarding claim **49**, the combination of Wharton and Kimoto disclose the processor-readable medium of claim 43, Wharton wherein the information system is located at a geographic position different from the geographic position of the property (Fig. 1; the server 18 (i.e., information system) is at a different location from the location of the houses).

Regarding claim **50**, the combination of Wharton and Kimoto disclose the processor-readable medium of claim 43, Wharton discloses wherein the first menu of location-centric information includes information associated with a potential real estate transaction at the property (col. 5, lines 8-47; the house information screen shows six information buttons (i.e., first menu) that the user selects to access various categories of information associated with a real estate transaction such as a description of a property, floor plans, fact sheet, etc.).

9.   **Claims 37, 38, 45, and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over WHARTON et al. in view of KIMOTO et al., and further in view of WEBBER et al. (US 6,009,413).

Regarding claims **37 and 38**, the combination of Wharton and Kimoto disclose the method of claim 34, but the combination does not expressly disclose wherein receiving the first information data set associated with the identified property geographic location includes receiving the information associated with the identified property geographic location in real-time, and wherein receiving the first information data set associated with the identified property includes receiving information that has been dynamically updated via a network, the dynamically updated information being associated with the identified geographic location.

However, receiving information from a database in real-time and which has been dynamically updated is well known in the art and Webber is evidence of the fact. Webber teaches a system in where a user can access a variety of information regarding products and services from the user's computer through a computer network in real-time. Each of the merchant's downloads to the computer network or regional host at least one each business day, detailed, and current information regarding products and/or services offered by the merchant. Then, when a user wants to get information about a product or a service, the user makes a request for product/service information currently residing at the network database and receives updated (i.e., real-time) information associated with the product/service from the database since the merchants downloads the information to the network database regularly (abstract; col. 3, lines 10-23; col. 4, lines 1-18; col. 5, lines 18-56). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to include the feature of receiving information from the database in real-time and information which has been dynamically updated, as suggested by Webber, in order for the user to react in "real time" to the information that acquires from the database (col. 2, lines 51-60).

Regarding claims 45 and 46, the combination of Wharton and Kimoto disclose the processor-readable medium of claim 43, but the combination does not expressly disclose wherein the code for receiving the first set of location-centric information includes code for receiving the first set of location-centric information in real time, and

wherein the code for receiving the first set of location-centric information includes code for receiving the first set of location-centric information that has been dynamically updated via a network.

However, receiving information from a database in real-time and which has been dynamically updated is well known in the art and Webber is evidence of the fact. Webber teaches a system in where a user can access a variety of information regarding products and services from the user's computer through a computer network in real-time. Each of the merchant's downloads to the computer network or regional host at least one each business day, detailed, and current information regarding products and/or services offered by the merchant. Then, when a user wants to get information about a product or a service, the user makes a request for product/service information currently residing at the network database and receives updated (i.e., real-time) information associated with the product/service from the database since the merchants downloads the information to the network database regularly (abstract; col. 3, lines 10-23; col. 4, lines 1-18; col. 5, lines 18-56). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to include the feature of receiving information in real-time and information which has been dynamically updated, as suggested by Webber, in order for the user to react in "real time" to the information that acquires from the database (col. 2, lines 51-60).

10.   **Claims 39 and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over WHARTON et al. in view of KIMOTO et al., and further in views of WEBBER et al. and JUPPI et al. (US 2003/0092450 A1).

        Regarding claim 39, the combination of Wharton and Kimoto disclose the method of claim 34, but the combination does not expressly disclose wherein receiving the first information data set associated with the identified property geographic location includes: receiving information based on sensor data that has been dynamically

updated via a network, the dynamically updated information being associated with the identified geographic location.

However, databases updated with sensor data are well known in the art and Juppi is evidence of the fact. Juppi teaches a database compiled from information measured by a local transmitter such as a weather probe or sensor that can be updated over time, and the information measured is transmitted to a mobile station (p.0033; p.0036-0038). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to include in the database sensor data that is dynamically updated, as suggested by Juppi, in order for a user to obtain the most recent information collected by a sensor, e.g., the weather conditions in his/her present location.

Regarding claim 47, the combination of Wharton and Kimoto disclose the processor readable medium of claim 43, but the combination does not expressly disclose wherein the code for receiving the first set of location-centric information includes code for receiving the first set of location-centric sensor information, the sensor information being dynamically updated via a network.

However, receiving updated sensor data is well known in the art and Juppi is evidence of the fact. Juppi teaches a database compiled from information measured by a local transmitter such as a weather probe or sensor that can be updated over time, and the information measured is transmitted to a mobile station (p.0033; p.0036-0038). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to include in the database sensor data that is dynamically updated, as suggested by Juppi, in order for a user to obtain the most recent information collected by a sensor, e.g., the weather conditions in his/her present location.

Claim Objections

11.   Claims 31-33 are being objected as having allowable subject matter but having a

nonstatutory double patenting rejection, claims 31-33 would are allowed assuming that

the nonstatutory double patenting rejection is overcome.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-

7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00

p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Marisol Figueroa/
Examiner, Art Unit 2617